

Attorney's Docket No.: 80398.P331

Rev. 06/27/00 (D1)

<u>Patent</u>

80398.P331

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name.

first, and joint in	e original, first, and sole inventor (ventor (if plural names are listed b nt is sought on the invention entitl	elow) of the subject matter which		
A METHOD	AND SYSTEM FOR MAINTAININ	NG A LISTENER'S LINK TO A C	ONTRO	LLER
the specification	of which			
	is attached hereto. was filed on <u>September 20, 2000</u> United States Application or PCT International App and was amended on	Number <u>09/665,715</u> lication Number		
specification, inc know and do not America before a country before n was not in public application, and certificate issued America on an a	at I have reviewed and understan sluding the claim(s), as amended it believe that the claimed invention my invention thereof, or patented my invention thereof or more than the use or on sale in the United State that the invention has not been paid before the date of this application pplication filed by me or my legal lity patent application) or six month.	by any amendment referred to about any amendment referred to about any experience or described in any printed publication, one year prior to this application, es of America more than one year atented or made the subject of arm in any country foreign to the Urrepresentatives or assigns more	ove. I do United S cation in a that the or prior to or invento or invento than twe	tates of any same this r's es of elve
	ne duty to disclose all information 7, Code of Federal Regulations, \$		tentabilit	y as
foreign application applicatio	reign priority benefits under Title on(s) for patent or inventor's certification for patent or inventor's certificity priority is claimed:	icate listed below and have also i	dentified	below
Prior Foreign Ap	•		Priori <u>Claim</u>	
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No

-1-

provisional application(s) listed		de, Section 119(e) of any United States
60/155,305	9/21/99	
(Application Number)	Filing Date	
(Application Number)	Filing Date	
application(s) listed below and, is not disclosed in the prior Uni of Title 35, United States Code known to me to be material to p	insofar as the subject matted States application in the Section 112, I acknowledge atentability as defined in Tailable between the filing defined the section of the sectio	ide, Section 120 of any United States are of each of the claims of this application in manner provided by the first paragraphing the duty to disclose all information itle 37, Code of Federal Regulations, are of the prior application and the national
(Application Number)	Filing Date	(Status patented, pending, abandoned)
(Application Number)	Filing Date	(Status patented, pending, abandoned)
part of this document) as my resubstitution and revocation, to and Trademark Office connected. Send correspondence to (NaZAFMAN LLP, 12400 Wilshire telephone calls to Maria N	espective patent attorneys a prosecute this application a ed herewith. Maria McCormack Sobriname of Attorney or Agent) e Boulevard 7th Floor, Los	s Angeles, California 90025 and direct

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole/First Inventor Richard Scheel		
Inventor's Signature <u>Richard</u>	Date	1/22/00
Residence Pleasanton, California		
(City, State)		(Country)
Post Office Address 6118 Crater Lake Court Pleasanton, California 94588		
Full Name of Second/Joint Inventor David V. James		
Inventor's Signature	Date	
Residence Palo Alto, California	_ Citizenship <u>USA</u>	
(City, State)		(Country)
Post Office Address <u>3180 South Court</u> Palo Alto, California 94306		
Full Name of Third/Joint Inventor Hisato Shima		
Inventor's Signature	Date	
Residence Toyko, Japan	_ Citizenship <u>Japan</u>	
(City, State)		(Country)
Post Office Address 2-37-16-205 Kamiikedai	444.	y - 10 (10 - 10 - 10 - 10 - 10 - 10 - 10
Ota-ku, Toyko 145-0064 Japan		

APPENDIX A

William E. Alford, Reg. No. 37,764; Farzad E. Amini, Reg. No. P42,261; Aloysius T. C. AuYeung, Reg. No. 35,432; William Thomas Babbitt, Reg. No. 39,591; Carol F. Barry, Reg. No. 41,600; Jordan Michael Becker, Reg. No. 39,602; Lisa N. Benado, Reg. No. 39,995; Bradley J. Bereznak, Reg. No. 33,474; Michael A. Bernadicou, Reg. No. 35,934; Roger W. Blakely, Jr., Reg. No. 25,831; R. Alan Burnett, Reg. No. 46,149; Gregory D. Caldwell, Reg. No. 39,926; Andrew C. Chen, Reg. No. 43,544; Thomas M. Coester, Reg. No. 39,637; Donna Jo Coningsby, Reg. No. 41,684; Florin Corie, Reg. No. 46,244; Dennis M. deGuzman, Reg. No. 41,702; Stephen M. De Klerk, Reg. No. P46,503; Michael Anthony DeSanctis, Reg. No. 39,957; Daniel M. De Vos, Reg. No. 37,813; Robert Andrew Diehl, Reg. No. 40,992; Sanjeet Dutta, Reg. No. P46,145; Matthew C. Fagan, Reg. No. 37,542; Tarek N. Fahmi, Reg. No. 41,402; George Fountain, Reg. No. 37,374; Paramita Ghosh, Reg. No. 42,806; James Y. Go, Reg. No. 40,621; James A. Henry, Reg. No. 41,064; Libby N. Ho, Reg. No. P46,774; Willmore F. Holbrow III, Reg. No. P41,845; Sheryl Sue Holloway, Reg. No. 37,850; George W Hoover II, Reg. No. 32,992; Eric S. Hyman, Reg. No. 30,139; William W. Kidd, Reg. No. 31,772; Sang Hui Kim, Reg. No. 40,450; Walter T. Kim, Reg. No. 42,731; Eric T. King, Reg. No. 44,188; Erica W. Kuo, Reg. No. 42,775; George Brian Leavell, Reg. No. 45,436; Kurt P. Leyendecker, Reg. No. 42,799; Gordon R. Lindeen III, Reg. No. 33,192; Jan Carol Little, Reg. No. 41,181; Joseph Lutz, Reg. No. 43,765; Michael J. Mallie, Reg. No. 36,591; Andre L. Marais, under 37 C.F.R. § 10.9(b); Paul A. Mendonsa, Reg. No. 42,879; Clive D. Menezes, Reg. No. 45,493; Chun M. Ng, Reg. No. 36,878; Thien T. Nguyen, Reg. No. 43,835; Thinh V. Nguyen, Reg. No. 42,034; Dennis A. Nicholls, Req. No. 42,036; Daniel E. Ovanezian, Req. No. 41,236; Kenneth B. Paley, Req. No. 38,989; Marina Portnova, Reg. No. P45,750; William F. Ryann, Reg. 44,313; James H. Salter, Reg. No. 35,668; William W. Schaal, Reg. No. 39,018; James C. Scheller, Reg. No. 31,195; Jeffrey Sam Smith, Reg. No. 39,377; Maria McCormack Sobrino, Reg. No. 31,639; Stanley W. Sokoloff, Reg. No. 25,128; Judith A. Szepesi, Reg. No. 39,393; Vincent P. Tassinari, Reg. No. 42,179; Edwin H. Taylor, Reg. No. 25,129; John F. Travis, Reg. No. 43,203; Joseph A. Twarowski, Reg. No. 42,191; Tom Van Zandt, Reg. No. 43,219; Lester J. Vincent, Reg. No. 31,460; Glenn E. Von Tersch, Reg. No. 41,364; John Patrick Ward, Reg. No. 40,216; Mark L. Watson, Reg. No. P46,322; Thomas C. Webster, Reg. No. P46,154; Steven D. Yates, Reg. No. 42,242; and Norman Zafman, Reg. No. 26,250; my patent attorneys, and Firasat Ali, Reg. No. 45,715; and Justin M. Dillon, Reg. No. 42,486; my patent agents, of BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP, with offices located at 12400 Wilshire Boulevard, 7th Floor, Los Angeles, California 90025, telephone (310) 207-3800, and James R. Thein, Reg. No. 31,710, my patent attorney with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

APPENDIX B

Title 37, Code of Federal Regulations, Section 1.56 Duty to Disclose Information Material to Patentability

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclosure information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclosure all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made or record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

Rev. 06/27/00 (D1) -5- 80398.P331





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<u>Patent</u>

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DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name.

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first, and joint invento	ginal, first, and sole inventor (or (if plural names are listed b sought on the invention entitle	if only one name is listed below) of elow) of the subject matter which ed	or an ori	ginal, ed and
A METHOD AND	SYSTEM FOR MAINTAININ	IG A LISTENER'S LINK TO A C	ONTRO	LLER
the specification of w	hich			
	tached hereto. filed on <u>September 20, 2000</u> United States Application or PCT International Appl and was amended on	Number <u>09/665,715</u> lication Number		
		(п арріісавіе)		
specification, includir know and do not beli America before my in country before my in was not in public use application, and that certificate issued bef America on an application. I acknowledge the didefined in Title 37, Country I hereby claim foreign application(s) any foreign application.	ng the claim(s), as amended be eve that the claimed invention thereof, or patented evention thereof or more than evention thereof or more than evention thereof or more than evention the United State the invention has not been particle to the date of this application attent application) or my legal event application) or six monted to disclose all information ode of Federal Regulations, so priority benefits under Title in for patent or inventor's certificant for patent for patent or inventor's certificant for patent for pate	d the contents of the above-ident by any amendment referred to about any printed public one year prior to this application, and application and the subject of any and any country foreign to the Universe resentatives or assigns more than the formal design patent application where the subject of any application and the subject of any application and the subject of a design patent application and the subject of the su	ove. I do United S ation in a that the r prior to invento ited Stat than twe n) prior t tentabilit 119(a)-(a dentified	tates of any same this 's es of lve o this y as d), of any below
application on which Prior Foreign Applica	priority is claimed:		Priori <u>Clain</u>	ty
				
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No

60/155,305	9/21/99	
(Application Number)	Filing Date	•
(Application Number)	Filing Date	·
application(s) listed below and, is not disclosed in the prior Unit of Title 35, United States Code, known to me to be material to p	insofar as the subject ma ed States application in the Section 112, I acknowled atentability as defined in allable between the filing of	ode, Section 120 of any United States tter of each of the claims of this application in manner provided by the first paragraph lige the duty to disclose all information Fitle 37, Code of Federal Regulations, date of the prior application and the national
(Application Number)	Filing Date	(Status patented, pending, abandoned)
(Application Number)	Filing Date	(Status patented, pending, abandoned)
part of this document) as my re-	spective patent attorneys prosecute this application	(which is incorporated by reference and a and patent agents, with full power of and to transact all business in the Patent
(Na ZAFMAN LLP, 12400 Wilshire telephone calls to <u>Maria M</u>	me of Attorney or Agent Boulevard 7th Floor, Lo	os Angeles, California 90025 and direct

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole/First Inventor Richard Scheel	
Inventor's Signature	Date
Residence <u>Pleasanton, California</u> (City, State)	Citizenship <u>USA</u> (Country)
Post Office Address 6118 Crater Lake Court Pleasanton, California 94588	
Full Name of Second/Joint Inventor David V. James	
Inventor's Signature	Date <u>26Dec 4</u>
Residence Palo Alto, California (City, State)	Citizenship <u>USA</u> (Country)
Post Office Address 3180 South Court Palo Alto, California 94306	
Full Name of Third/Joint Inventor Hisato Shima	
Inventor's Signature	Date
Residence Toyko, Japan (City, State)	Citizenship <u>Japan</u> (Country)
Post Office Address 2-37-16-205 Kamiikedai Ota-ku, Toyko 145-0064 Japan	

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APPENDIX B

Title 37, Code of Federal Regulations, Section 1.56 <u>Duty to Disclose Information Material to Patentability</u>

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclosure information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclosure all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
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- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made or record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.



Patent

Attorney's Docket No.: 80398,P331

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

B S T & Z

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

A METHOD AND SYSTEM FOR MAINTAINING A LISTENER'S LINK TO A CONTROLLER

the	specification	of	which
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HICAHO		
X.	is attached hereto. was filed on September 20, 2000 as United States Application Number 09/665,715 or PCT International Application Number and was amended on	

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above. I do not know and do not believe that the claimed invention was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, and that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months (for a utility patent application) or six months (for a design patent application) prior to this

I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d), of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

application on which priority to a	•	<u>Claimed</u>
Prior Foreign Application(s)		
	(Country) (Day/Month/Year Filed)	Yes No
(Number)	·	Yes No
(Number)	(Country) (Day/Month/Year Filed)	
	(Day/Month/Year Filed)	Yes No
(Number)	(Country)	80398.P331
Rev. 06/27/00 (D1)	-1-	

I hereby claim the benefit under title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below: 9/21/99 60/155,305 Filing Date (Application Number) Filing Date (Application Number) I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application: (Status -- patented, Filing Date pending, abandoned) (Application Number) (Status - patented, Filing Date pending, abandoned) (Application Number) I hereby appoint the persons listed on Appendix A hereto (which is incorporated by reference and a part of this document) as my respective patent attorneys and patent agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith. Maria McCormack Sobrino , BLAKELY, SOKOLOFF, TAYLOR & Send correspondence to ZAFMAN LLP, 12400 Wilshire Boulevard 7th Floor, Los Angeles, California 90025 and direct (Name of Attorney or Agent) Maria McCormack Sobrino telephone calls to _ (Name of Attorney or Agent)



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

application or any patent rooter
Full Name of Sole/First Inventor Richard Scheel Inventor's Signature
Inventor's Signature Citizenship USA (Country)
Residence Pleasanton, California Critzenship (Country) (City, State)
Post Office Address <u>6118 Crater Lake Court</u> <u>Pleasanton. California 94588</u>
Full Name of Second/Joint Inventor <u>David V. James</u> Date
Inventor's Signature Citizenship USA(Country)
Residence Palo Alto, California (Country) (City, State)
Post Office Address <u>3180 South Court</u> <u>Palo Alto, California 94306</u>
Inventor's Signature Aviato Mainer Date Pec 22, 2000.
Residence Toyko, Japan (Country) (City, State)
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APPENDIX A

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Title 37, Code of Federal Regulations, Section 1.56 <u>Duty to Disclose Information Material to Patentability</u>

(a) A patent by its very nature is affected with a public interest. The public interest is best served. and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclosure information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclosure all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made or record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.